IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.444 of 2007 (O&M)
Date of decision: 01.11.2007

Talwinder Singh and others

… Appellants

Versus

Punjab Roadways Pathankot and others

…Respondents

Present : Mr. Ramesh Sharma, Advocate for the appellants.

Vinod K.Sharma, J. (Oral)

This appeal has been filed against the order dated 27.10.1995 passed by the learned Motor Accident Claims Tribunal, Gurdaspur with a delay of 10 years 309 days.

It has been pleaded that due to the minority of the appellants, the appeal could not be filed earlier. It has not been disputed that the guardian-ad litem of the appellant continued to watch the interest who contested the case and learned Motor Accident Claims Tribunal was pleased to grant compensation to the tune of Rs.1,80,000/- alongwith interest at the rate of 12 per cent per annum from the date of claim petition till payment.

A reading of the order does not, in any way, show that interest of the appellants was not watched properly by the guardian of the appellants as is sought to be projected in the present case. The appellants had failed to produce any evidence regarding the income of the deceased-Jaswinder Kaur. However, learned Motor Accident Claims Tribunal was pleased to assess at Rs.1000/- as dependency and by applying the multiplier of 15, keeping in view the age of deceased, granted a compensation to the tune of Rs.1,80,000/-. The compensation was ordered to be deposited in the fixed deposit with a condition that the appellants would be entitled to claim the same on attaining majority.

Learned counsel for the appellant contends that there is evidence on record to show that the deceased was keeping buffalos and the assessment of dependency at Rs.1000/- is outcome of misreading of evidence brought on record. He further contended that application of multiplier of 15 for awarding compensation was not correct as the age of the deceased was 32 years at the time of death. The multiplier adopted for granting compensation cannot be said to be bad or on the lower side as the appellants have failed to produce any evidence on record qua the income of the deceased.

Even otherwise, this appeal is barred by time and appellants have failed to explain the delay of 10 years 309 days in filing the appeal and the only plea taken was that the appellants were minor and their guardian was not watching their interest properly. This plea cannot be accepted. They were duly represented before the learned Tribunal by their father who has been watching their interest.

Consequently, there is no error in the judgment passed by the learned Motor Accident Claims Tribunal, this appeal is dismissed in limine being devoid of merit as well as being time barred.

[Vinod K.Sharma]
Judge

01.11.2007

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